

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

M.D., b/n/f Sarah R. Stukenberg, et al.,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, et al.,

Defendants.

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Civil Action No. 2:11-CV-00084

**PLAINTIFFS' SECOND AMENDED EXHIBIT LIST FOR
DECEMBER 4, 2023 SHOW CAUSE HEARING**

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
1	4/21/2023	Dkt 1350 - Letter from M. Lowry regarding Psychotropic Medication Utilization Request for PMC Class	✓		✓	
2	5/15/2023	Email of Ora Chisom to Monitors re Request Joint Mtg w DFPS-HHSC for Heightened Monitoring Discussion w attachments	✓		✓	
3	6/5/2023	Email from Ora Chisom to Monitors re HM policy (Dkt. 1384 Court Ex 5)	✓		✓	
4	9/19/2023	Dkt. 1412 Update to K. Ryan Report to the Court	✓		✓	
5	11/10/2023	Dkt 1442 Monitors' Supp Update to Court re RO 3, 7 and 8 and HHSC Provider Info	✓		✓	
6	6/1/2023	PI Directive- Efficient Investigative Procedures and Documentation Practices in All Settings	✓		✓	
7	10/23/2023	HHSC Provider Investigations Handbook	✓		✓	
8	undated	TXDFPS - 24-Hour Residential Child Care Requirements - Residential Contracts (RCC)	✓		✓	
9	3/15/2023	TXDFPS Addenda to the 24-Hour Residential Child Care Requirements	✓		✓	
10	6/2019	TXHHS - Psychotropic Medication Utilization Parameters for Children and Youth in Texas Behavioral Health (6th Version)	✓		✓	
11	9/2019	Superior Healthplan - Psychotropic Medication Utilization Review (PMUR) Process for STAR Health Members - FAQ and Stakeholder Manual	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
12	10/2023	TXHHS - Minimum Standards for General Residential Operations - Child Care Regulation	✓		✓	
13	10/2023	TX HHSC - Minimum Standards for Child Placing Agencies - Child Care Regulations	✓		✓	
14	undated	TXDFPS - Comparison of Minimum Standards, Residential Contract Requirements, and Service Level Indicators	✓		✓	
15	11/20/2018	Dkt 606 Order	✓		✓	
16	12/17/2019	Dkt 772 Order Regarding Workload Studies in November 20, 2018 Order	✓		✓	
17	3/18/2020	Dkt 837 Order - Definitions Applicable to RO 20	✓		✓	
18	6/16/2020	Dkt 869 First Court Monitors' Report 2020	✓		✓	
19	5/4/2021	Dkt 1079 Second Report of the Monitors	✓		✓	
20	5/4/2021	Dkt 1080 2021-05-04 Appendices to Monitor's Second Report – RCCI Intake Reports	✓		✓	
21	1/10/2022	Dkt 1165 Third Report of Monitors	✓		✓	
22	6/2/2022	Dkt 1247 Third Update to the Court re The Refuge for DMST	✓		✓	
23	6/2/2022	Dkt 1248 Fourth Report of the Monitors	✓		✓	
24	1/20/2023	Dkt 1318 Fifth Report of Monitors	✓		✓	
25	3/27/2023	Dkt 1337 Update to the Court Regarding Site Visits Conducted between December 1, 2021 and December 31, 2022, and the Reopening of The Refuge for DMST	✓		✓	
26	6/25/2023	Dkt 1380 Monitors Sixth Report	✓		✓	
27	6/27/2023	Dkt 1384 Exhibit list and exhibits from hearing on 6-27-2023	✓		✓	
28	6/27/2023	Transcript from 6-27-2023 status conference (amended)	✓		✓	
29	1/10/2022	Dkt 1171 Monitors' Report Regarding Safety of Settings Housing Children Without Placement and Site Visits	✓		✓	
30	9/13/2021	Dkt 1132 Monitors' Update to Court Regarding Children Without a Placement House in CPS Offices, Hotels and Other Unlicensed Settings	✓		✓	
31	1/24/2023	Dkt 1319 Monitor' Update to the Court Regarding Children Without Placement	✓		✓	
32	6/23/2023	Dkt 1379 Update to the Court Regarding RO 35 Caseload Performance	✓		✓	
33	10/25/2023	Dkt 1425 Monitors' Update to the Court Regarding PMC Children Without a Licensed Placement	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
34	10/27/2023	Dkt 1426 Monitors' Update to the Court Regarding RO 35 Caseload Performance	✓		✓	
35	7/17/2023	Dkt 1393 Defs Obj. to Monitors' Sixth Report	✓		✓	
36	11/15/2023	Dkt 1443 Defs Obj. to Monitors' Update to the Court Regarding PMC Children Without a Licensed Placement	✓		✓	
37	9/2/2023	Dkt 1407 Monitors Resp to State's Obj to June 2023 Reports	✓		✓	
38	1/17/2022	Dkt 1175 Transcript of Hearing on January 11, 2022	✓		✓	
39	4/12/2023	Transcript from hearing on April 12, 2023 (amended)	✓		✓	
40	5/1/2023	Dkt 1352 Exhibit list and Court Exhibits from hearing on 5-1-2023	✓		✓	
41	5/1/2023	Transcript from 5-1-2023 status conference (amended)	✓		✓	
42	5/4/2023	Dkt 1356 Hearing Transcript of 5/1/2023 Hearing	✓		✓	
43	6/1/2010	TXHHS – Home and Community -Based Services (HCS)	✓		✓	
44	10/2020	TXDFPS - Child Protective Services Handbook, Section 4133	✓		✓	
45	10/2017	TXDFPS - Child Protective Services Handbook, Section 11327	✓		✓	
46	4/2023	TXDFPS - Placement Summary (Form 2279)	✓		✓	
47	6/2023	Application for Placement (Common Application) (Form 2087)	✓		✓	
48	9/2023	Certification of Receipt of Child Sexual Abuse or Sexual aggression Information (Form 2279b)	✓		✓	
49	8/2023	TXDFPS - CPS Rights of Children and Youth in Foster Care (Form 2530)	✓		✓	
50	2021	TXDFPS - 2021 Annual Progress & Services Report - Targeted Plan - Health Care Oversight and Coordination Plan	✓		✓	
51	2022	TXDFPS - 2022 Annual Progress & Services Report - Targeted Plan B - Health Care Oversight and Coordination Plan	✓		✓	
52	2023	TXDFPS - 2023 Annual Progress & Services Report - Targeted Plan B - Health Care Oversight and Coordination Plan	✓		✓	
53	undated	26 Tex. Admin. Code §748.1119	✓		✓	
54	undated	26 Tex. Admin. Code §748.2705	✓		✓	
55	undated	26 Texas Admin Code §711.19	✓		✓	
56	undated	37 Tex. Admin. Code §343.804	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
57	3/29/2022	DFPS Vendor Contract, Premier Protection and Investigations, LP, DBA PPI Security	✓		✓	
58	2/9/2022	DFPS Vendor Contract, Silver Shield Security Inc.	✓		✓	
59	undated	TCOLE History, Texas Commission on Law Enforcement	✓		✓	
60	2/28/2023	Basic Peace Officer Proficiency Certification Chart dated 2.28.2023	✓		✓	
61	2/28/2023	Intermediate Peace Officer Proficiency Certification Chart dated 02.28.2023	✓		✓	
62	2/28/2023	Advanced Peace Officer Proficiency Certification Chart dated 02.28.2023	✓		✓	
63	12/2017	De-escalation Techniques Course	✓		✓	
64	2015	AACAP - Recommendations about the Use of Psychotropic Medications for Children and Adolescents Involved in Child-Serving Systems	✓		✓	
65	2/1/2007	Letter from Dr. David Lakey, Commissioner with TX Department of State Health Services regarding revision to <i>Psychotropic Medication Utilization Parameters for Foster Children</i> with same attached	✓		✓	
66	4/11/2012	ACF - Information Memorandum re Psychotropic Medication	✓		✓	
67	11/20/2013	Psychotropic Medication for Children in Texas Foster Care Presentation	✓		✓	
68	9/7/2018	TXDFPS - Contractor Noncompliance and Contract Remedies	✓		✓	
69	4/2020	TXDFPS - Medical Services Resource Guide	✓		✓	
70	8/9/2021	TXDFPS - Client Services SMP	✓		✓	
71	10/4/2021	TXDFPS - Contract Monitoring	✓		✓	
72	9/26/2022	TXDFPS - Review Reason: Risk-Based, Enhanced, Complaint, Follow-up	✓		✓	
73	9/5/2023	TXDFPS - Management of Contract Records and Personal Identifiable Information	✓		✓	
74	9/5/2023	TXDFPS - Risk Assessment Instrument (RAIs)	✓		✓	
75	undated	TXDFPS - Residential Contract Managers	✓		✓	
76	4/2023	TXDFPS - Sexual Incident History Resource Guide	✓		✓	
77	10/2023	TXDFPS - Statewide Intake Policy & Procedures §4760	✓		✓	
78		Not used	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
79	undated	TXDFPS Preponderance of Evidence - a guide to writing the most appropriate preponderance of evidence statements - Participant Manual	✓		✓	
80	9/21/2021	Dkt 1137 Governor Greg Abbott's Advisory Concerning the Court's September 14, 2021 Inquiries	✓		✓	
81	12/14/2022	Email from Katy Gallagher (HHSC) to Megan Annitto re Provider Investigations Questions	✓		✓	
82	11/22/2022	TXHHS Oversight of the HHSC Home and Community-Based Services (HCS) Program - OIG Report No. AUD-23-002	✓		✓	
83		Not used	✓		✓	
84	6/22/2023	Attachment to Ora Chisom 6/22/2023 email Defendants' Comments on the June 17, 2023 Drafts of Monitor's Report	✓		✓	
85	undated	HHSC Regulations § 711.1 - What is the Purpose of this Chapter	✓		✓	
86	undated	Heightened Monitoring (HM) Considerations for Operations that Meet HM Eligibility Following Successful HM Release	✓		✓	
87	5/25/2023	Excerpt of Dkt 1380, page 63	✓		✓	
88	6/25/2023	Excerpt from Dkt 1380, page 159	✓		✓	
89	10/25/2023	Excerpt from Dkt 1425, pages 3, 4, 6, 8 and 9	✓		✓	
90	10/5/2023	Dr. Christopher Bellonci Curriculum Vitae	✓		✓	
91	undated	TXHHS - What is HCS	✓		✓	
92	undated	TXDPS document regarding children without placement and child watch schedules	✓		✓	
93	11/3/2023	Dkt. 1429. Defs Response to Third MOTION for Order to Show Cause as to Why Defendants Should Not be Held in Contempt	✓		✓	
94	10/2021	TSDFPS Statewide Intake Policy & Procedures	✓		✓	
95	undated	TXDFPS Region 08 Caseload Tracker Regional Plan	✓		✓	
96	undated	40 Tex. Admin. Code §707.469	✓		✓	
97	9/22/2023	Letter from Jennifer Sims, Deputy Commissioner of TXDFPS to Judges Jones, Hallford, and Mabray with update	✓		✓	
98	10/24/2023	TXHHS - PMC/TMC Requirements - Provider Investigations	✓		✓	
99	11/21/2023	TXDFPS - Children Without Placement Agency Efforts	✓		✓	
100	9/25/2023	Email from N. Hoover to Dr. Van Ramshorst re Foster Care 4+ Meds PMUR Request	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
101	11/16/2023	Email from N. Hoover to Dr. Van Ramshorst re Request for Status Update -Plaintiffs' Attorneys PMUR Request	✓		✓	
102	11/28/2023	Defendants' Response to Plaintiff's Interrogatories for Third Amended Motion to Show Cause per Court Order (Dkt. 1439)	✓		✓	
103	1/2014	Child Care Licensing - Performance Management Unit - Report to Residential Child Care Management - Residential Care - Physical Abuse Investigations - Focus: Unable to Determine Dispositions	✓		✓	
104	10/3/2023	Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action to Trish Evans	✓		✓	
105	5/12/2021	Permanency Conference Plan - Jacqueline Juarez	✓		✓	
106	undated	TX HHS Provider Investigations	✓		✓	
107	undated	CPS Time Sheets - excel spreadsheets - D_050706 - D_050723	✓		✓	
107A	various	D_050706	✓		✓	
107B	various	D_050707	✓		✓	
107C	various	D_050708	✓		✓	
107D	various	D_050709	✓		✓	
107E	various	D_050710	✓		✓	
107F	various	D_050711	✓		✓	
107G	various	D_050712	✓		✓	
107H	various	D_050713	✓		✓	
107I	various	D_050714	✓		✓	
107J	various	D_050715	✓		✓	
107K	various	D_050716	✓		✓	
107L	various	D_050717	✓		✓	
107M	various	D_050718	✓		✓	
107N	various	D_050719	✓		✓	
107O	various	D_050720	✓		✓	
107P	various	D_050721	✓		✓	
107Q	various	D_050722	✓		✓	
107R	various	D_050723	✓		✓	
107S	Undated	Summary	✓		✓	
108	5/29/2023	Joint Commissioner Briefing - Psychotropic Medication Utilization Review in Star Health	✓		✓	
109	undated	Child Watch Demonstrative Exhibit	✓		✓	

Ex. No.	DATE	Description	Off.	Obj.	Adm.	Not Adm.
110	11/28/2023	Dkt 1447 Monitor's Supplemental Response to the State's Objections to the Sixth Report and Responses to the State's Objections to the Updates to the Court Regarding Remedial Order 3, PMC Children Without a License Placement, and Remedial Order 35	✓		✓	
111	12/3/2023	Dkt 1461, Monitors' Responses to the State's Objections to the Monitors' Supplemental Update to the Court Regarding Remedial Orders 3, 7 and 8 and HHSC Provider Investigations	✓		✓	
112	12/3/2023	Dkt 1462 Update to the Court on the Prevalence of PMC Children Without Placement and Out of State Facility Placement	✓		✓	
113	1/10/2022	Dkt 1166, Recommendations for Improving Texas' Safe Placement and Services for Children, Youth and Families	✓		✓	
114	Undated	TXDFPS Child Without Placement Supervision and Overtime Policy	✓		✓	
115	2/13/2023	Photos of Child Without Placement Site	✓		✓	
116	Various	Psychotropic Medication Utilization Review Reports/Notices of PMC Children	✓		✓	
117	Various	Documents from C3 Christian Academy	✓		✓	

Dated: December 5, 2023

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS AND THE GENERAL CLASS AND SUBCLASSES

CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2023, a true and correct copy of this document was served on all counsel of record via email or by using the Court's CM/ECF e-file system.

/s/ R. Paul Yetter
R. Paul Yetter